

LONG BEACH REDEVELOPMENT AGENCY

333 WEST OCEAN BOULEVARD, THIRD FLOOR • LONG BEACH, CA 90802 • (562) 570-6615 • FAX (562) 570-6215

January 23, 2006

REDEVELOPMENT AGENCY BOARD MEMBERS City of Long Beach California

RECOMMENDATION:

Hold the hearing on the Resolutions of Necessity to determine the public interest and necessity for acquiring and authorizing the condemnation of real property at 5060 Long Beach Boulevard, APN 7131-032-009; 5096 Long Beach Boulevard, APN 7131-032-010, including land, improvements and fixtures and equipment;

Receive testimony from staff and property owner(s) with interest in the property; and

Adopt the Resolutions of Necessity making the findings required by law, including determining the public interest and necessity for acquiring, and authorizing the condemnation of certain real property within the North Long Beach Redevelopment Project Area. (North – District 8)

DISCUSSION

Background

The Redevelopment Plan for the North Long Beach Redevelopment Project Area was adopted on July 16, 1996. The major goals of the Redevelopment Plan include:

- The elimination of blighting influences and the correction of environmental deficiencies in the Project Area, including, buildings in which it is unsafe or unhealthy for persons to live or work, incompatible and uneconomic land uses and small and irregular lots.
- The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- The replanning, redesign and development of portions of the Project Area which are stagnant or improperly utilized.

The proposed redevelopment actions contemplated under the Redevelopment Plan include:

REDEVELOPMENT AGENCY BOARD MEMBERS January 23, 2006 Page 2

- The acquisition of certain real property and the assembly of adequate sites for the development and construction of residential, commercial and industrial facilities.
- The demolition or removal of certain buildings and improvements.
- The disposition of property for uses in accordance with the Redevelopment Plan.

If it is in the public interest and is necessary in order to eliminate conditions requiring redevelopment and in order to implement the goals of the Redevelopment Plan, the Agency may exercise its power of eminent domain to acquire real property in the Project Area.

Property Information

The property located at 5060 Long Beach Boulevard contains approximately 19,341 square feet of land, a one story commercial building containing approximately 1,761 square feet and operated as a liquor store, and a 10 unit, plus manager's unit, one and two story building operated as a hotel containing approximately 3,909 square feet, all located on the northeast corner of Long Beach Boulevard and Home Street (Exhibit A – Site Map). The commercial building contains a business identified as Mohawk Liquor.

The property located at 5096 Long Beach Boulevard contains approximately 18,332 square feet of land and a one story commercial retail building containing approximately 5,270 square feet located approximately 135 lineal feet northerly of the northeast corner of Long Beach Boulevard and Home Street. The building appears to be vacant

The property located at 5098 Long Beach Boulevard contains approximately 7,465 square feet of land, a one story commercial retail building operated as a discount furniture store, containing approximately 4,894 square feet and a one story storage building containing approximately 1,044 square feet, located approximately 240 lineal feet north of the northeast corner of Long Beach Boulevard and Home Street.

Owner Participation letters were sent out to the property owners on January 28, 2005, requesting that any proposals to develop the property be submitted by April 1, 2005. No submittals were received.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA), the acquisition of these properties are categorically exempt pursuant to Public Resources Code, Division 13, Section 15332 as the acquisition activities contemplated are consistent with the General Plan, contain no more than five acres, are substantially surrounded by urban uses and have no value as habitat for endangered species. The scope of the project is currently limited to blight removal through acquisition activities only. Any future construction on the properties will be subject to a separate environmental review process under CEQA.

REDEVELOPMENT AGENCY BOARD MEMBERS January 23, 2006 Page 3

Resolutions of Necessity

An appraisal of land and improvements for the properties was prepared by an independent appraiser, Lidgard and Associates, on June 10, 2005.

An offer to purchase the property at 5060 Long Beach Boulevard at Fair Market Value pursuant to Government Code section 7267.2(a), dated July 5, 2005 was submitted to the owner. The Fair Market Value of the land and improvements was \$1,250,000. The owner rejected the offer, and subsequent negotiations have been unsuccessful. Acquisition of this property will not be possible without the Agency's use of its power of eminent domain.

An offer to purchase the property at 5096 Long Beach Boulevard at Fair Market Value pursuant to Government Code section 7267.2(a), dated July 5, 2005 was submitted to the owner. The Fair Market Value of the land and improvements was \$925,000. The owner rejected the offer, and subsequent negotiations have been unsuccessful. Acquisition of this property will not be possible without the Agency's use of its power of eminent domain.

An offer to purchase the property at 5098 Long Beach Boulevard at Fair Market Value pursuant to Government Code section 7267.2(a), dated July 5, 2005 was submitted to the owner. The Fair Market Value of the land and improvements was \$710,000. The owner rejected the offer, and subsequent negotiations have been unsuccessful. Acquisition of this property will not be possible without the Agency's use of its power of eminent domain.

Notices of the hearing on the Resolutions of Necessity were mailed on January 6, 2006 by certified mail, return receipt requested, and by First Class Mail to the owners of record. Said owners were notified that if they wished to appear at the hearing and be heard, they must file a written request to appear with the City Clerk within fifteen (15) days from the date the notice was mailed. The Resolutions of Necessity are attached.

Code of Civil Procedure Section 1245.230 requires the Resolution of Necessity be adopted after a hearing at which time the governing body of the public entity must find and determine each of the following:

- 1. Whether the public interest and necessity require the proposed project;
- 2. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- 3. Whether the property sought to be acquired is necessary for the proposed project; and
- 4. Whether the offer required by Government Code section 7267.2(a) has been made to the property owner or owners of record, or the offer has not been made because the owner(s) cannot be located with reasonable diligence.

Recommended findings of the Redevelopment Agency Board as they relate to the acquisition of properties located at 5060 Long Beach Boulevard, 5096 Long Beach Boulevard and 5098 Long Beach Boulevard are as follows:

1. Public interest and necessity require acquisition of real property.

The Redevelopment Plan for the North Long Beach Redevelopment Project Area was adopted on July 16, 1996. The goals of the Redevelopment Plan include replanning, redesign, and development of properties which are stagnant or improperly utilized, eliminating blighting influences, and correcting environmental deficiencies. The proposed project involves the removal of blighting influences and the replanning, redesign and development of stagnant or improperly utilized properties through acquisition, demolition and subsequent assembly of property into parcels suitable for modern, integrated development.

2. The proposed project is planned and located in such a way as to do the greatest public good and the least private injury.

The fundamental purpose of the Redevelopment Plan is to improve the quality of life for residents and business enterprises within the North Long Beach Redevelopment Project Area. The property owners have been given a reasonable opportunity to participate in the redevelopment of the North Long Beach Redevelopment Project Area consistent with the objectives of the Redevelopment Plan. The elimination of blighting influences and the assembly of land into parcels suitable for modern, integrated development affects a greater public good with minimal private injury.

3. The property sought to be acquired is necessary for the proposed project.

The elimination of blighting influences, assembly of land into parcels suitable for modern, integrated development is the proposed project. It is in the public interest to acquire the properties in order to eliminate blighting influences and to assemble land into parcels suitable for modern, integrated development, allowing for future replanning, redesign and development of the properties.

4. The offer of just compensation has been made to the property owners.

The properties were appraised by an independent appraiser, Lidgard and Associates on June 10, 2005. Offers at Fair Market Value were presented to the property owners. The offers have been rejected by the property owners. Due to the refusal of the owners to accept the Agency's offer of just compensation based on the Fair Market Value, the properties cannot be acquired except by the Agency's exercise of its power of eminent domain.

REDEVELOPMENT AGENCY BOARD MEMBERS January 23, 2006 Page 5

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

PATRICK H. WEST EXECUTIVE DIRECTOR

PHW:BAK:MPC

Attachments: Exhibit A - Site Map

Exhibit B – Photographs

Resolution

APPROVED:

GERALD R. MILLER
CITY MANAGER

R:\RDA Board\RDA Board Meetings\2006\January 23\Waite Motel Staff Report.doc

EXHIBIT A

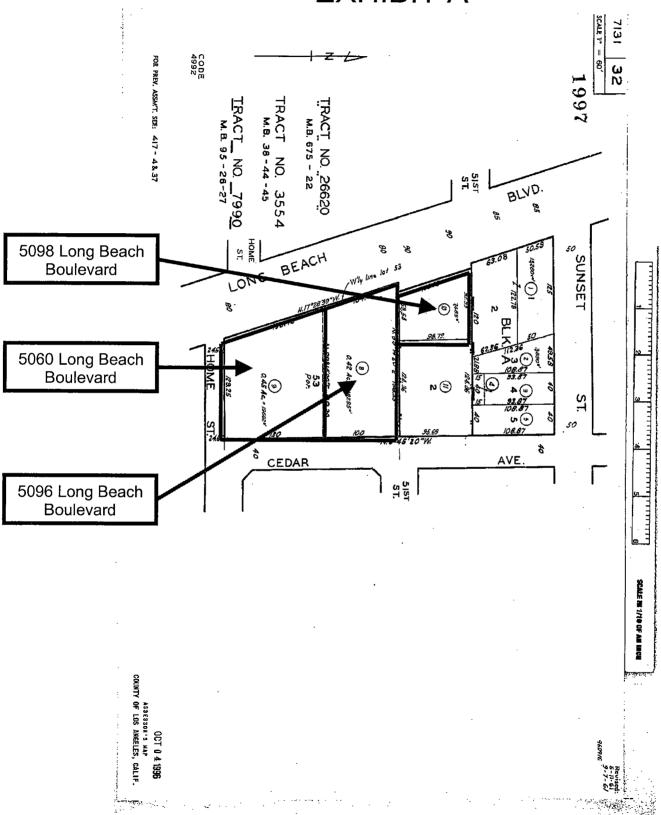
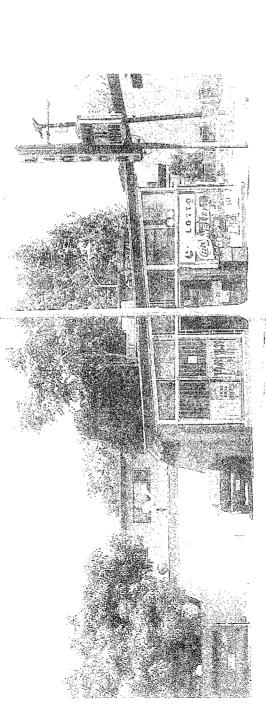
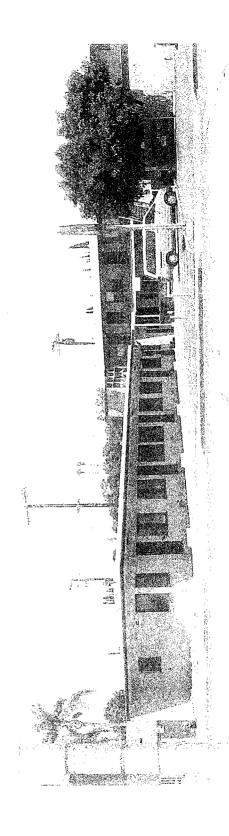


Exhibit B

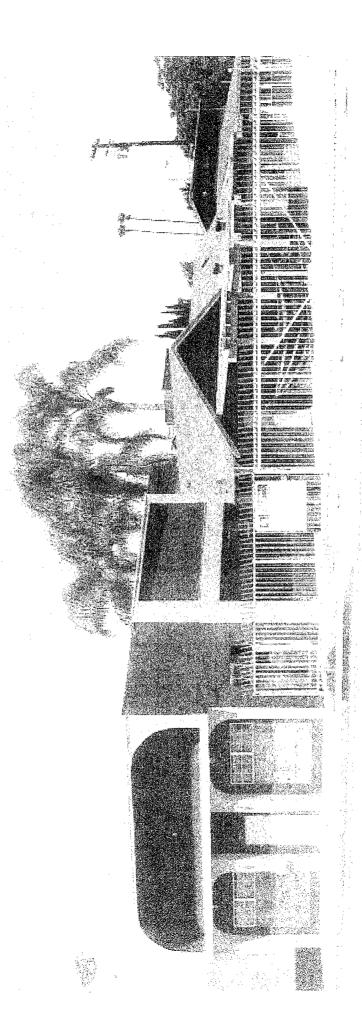
Waite Motel Block

5057 Cedar Ave & 5060 Long Beach Blvd

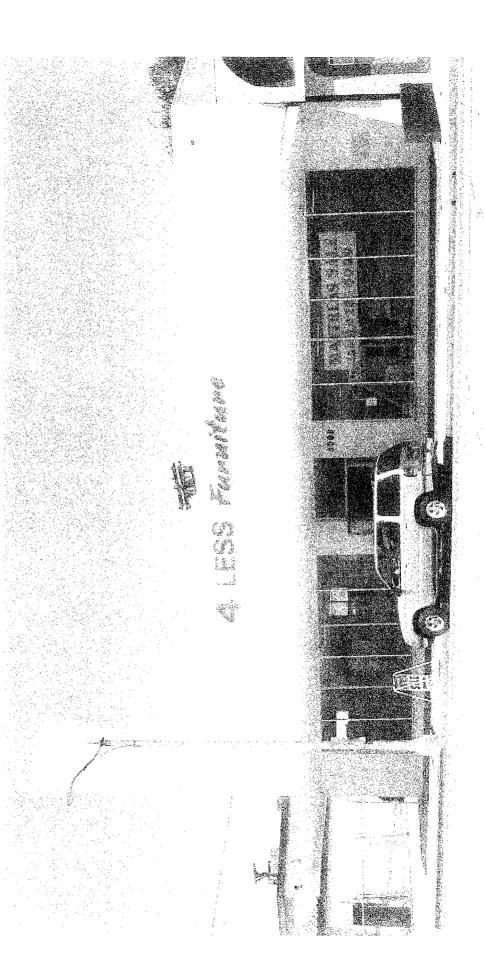




5096 Long Beach Blvd



5098 Long Beach Blvd



RESOLUTION NO. R. A.

A RESOLUTION OF THE REDEVELOPMENT

AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST

AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY

(5060 LONG BEACH BOULEVARD) WITHIN THE NORTH

LONG BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach,
California ("Agency"), pursuant to the provisions of the Community Redevelopment Law
of the State of California, Health and Safety Code Section 33000, *et seq.*, is engaged in
redevelopment activities necessary for the execution of the Redevelopment Plan
("Redevelopment Plan") for the North Long Beach Redevelopment Project Area
("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 5060 Long Beach Boulevard, Long Beach, California more particularly described as:

LOT 53 OF TRACT NO. 3554, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 38, PAGES 44 AND 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THE NORTH 100 FEET OF THAT PORTION OF SAID LOT LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF CEDAR AVENUE AS SHOWN ON TRACT NO. 7990 AS PER MAP RECORDED IN BOOK 95, PAGE 26 OF MAPS.

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, resolves as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment

Law.

- Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community

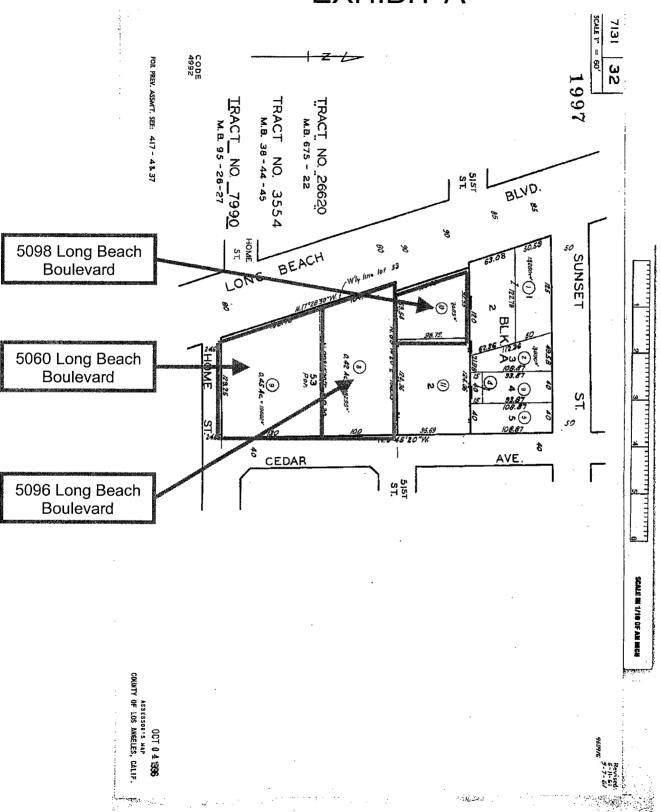
 Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).
- Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 - Sec. 4. The Subject Property is necessary for the proposed project.
- Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).
- Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.
- Sec. 7. The law firm of Hahn & Hahn LLP, as the Agency's special counsel, is hereby authorized to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for

such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

APPROVED AND A	OOPTED by the	Redevelopment Agency of the	City of
Long Beach, California, on this	day of	, 2006.	
·			
	_	Executive Director/Secretar	ry
APPROVED:			
Chair	_		

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EXHIBIT A



RESOLUTION NO. R. A.

A RESOLUTION OF THE REDEVELOPMENT

AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST

AND NECESSITY FOR ACQUIRING AND AUTHORIZING
THE CONDEMNATION OF CERTAIN REAL PROPERTY

(5096 LONG BEACH BOULEVARD) WITHIN THE NORTH
LONG BEACH REDEVELOPMENT PROJECT AREA

WHEREAS, the Redevelopment Agency of the City of Long Beach,
California ("Agency"), pursuant to the provisions of the Community Redevelopment Law
of the State of California, Health and Safety Code Section 33000, et seq., is engaged in
redevelopment activities necessary for the execution of the Redevelopment Plan
("Redevelopment Plan") for the North Long Beach Redevelopment Project Area
("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 5096 Long Beach Boulevard, Long Beach, California more particularly described as:

THE NORTH 100 FEET OF THAT PORTION OF LOT 53 OF TRACT NO. 3554, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 38, PAGES 44 AND 45 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER

OF SAID COUNTY LYING WEST OF THE SOUTHERLY PROLONGATION OF THE WEST LINE OF CEDAR AVENUE AS SHOWN ON TRACT NO. 7990 AS PER MAP RECORDED IN BOOK 95, PAGE 26 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, resolves as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project,

pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

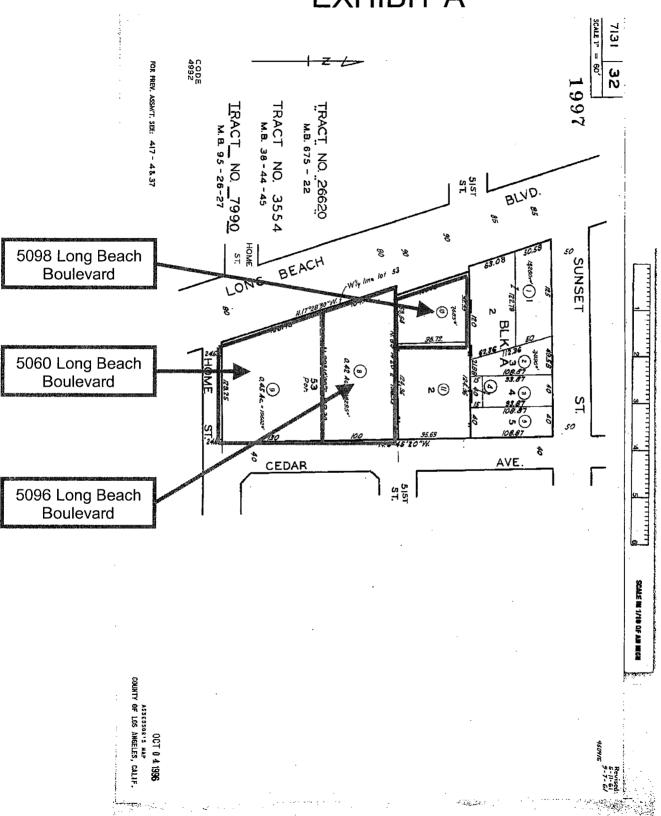
- Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).
- Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 - Sec. 4. The Subject Property is necessary for the proposed project.
- Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).
- Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.
- Sec. 7. The law firm of Hahn & Hahn LLP, as the Agency's special counsel, is hereby authorized to prepare and prosecute in the name of the Agency such

proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the Agency the Subject Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

APPROVED AND A	DOPTED by th	ne Redevelopment Agency of the Cit	ty of
Long Beach, California, on this	day of	, 2006.	
	_	Executive Director/Secretary	
APPROVED:			
Chair			

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EXHIBIT A



RESOLUTION NO. R. A.

A RESOLUTION OF THE REDEVELOPMENT

AGENCY OF THE CITY OF LONG BEACH, CALIFORNIA,
FINDING AND DETERMINING THE PUBLIC INTEREST

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(5098 LONG BEACH BOULEVARD) WITHIN THE NORTH

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WHEREAS, the Redevelopment Agency of the City of Long Beach,
California ("Agency"), pursuant to the provisions of the Community Redevelopment Law
of the State of California, Health and Safety Code Section 33000, *et seq.*, is engaged in
redevelopment activities necessary for the execution of the Redevelopment Plan
("Redevelopment Plan") for the North Long Beach Redevelopment Project Area
("Redevelopment Project"); and

WHEREAS, the Agency desires to implement the Redevelopment Plan for the Redevelopment Project by acquiring and assembling certain parcels of real property, including the real property located at 5098 Long Beach Boulevard, Long Beach, California more particularly described as:

LOT 1 OF TRACT NO. 26620, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 675, PAGE 22 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

and as shown on the site plan attached hereto as Exhibit A, and incorporated herein by this reference ("Subject Property"); and

WHEREAS, the Agency has given written notice by first class mail at least fifteen (15) days prior to the date of this resolution to those persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last equalized Los Angeles County assessment roll; and

WHEREAS, the Agency's notice to those persons sets forth the intent of the Agency to adopt a Resolution of Necessity for acquisition by eminent domain of the Subject Property, and further provides that such persons shall have a right to appear and to be heard on the matters referred to in Code of Civil Procedure Section 1240.030, and further provides that failure of such persons to file a written notice of intent to appear and to be heard within fifteen (15) days following the date of mailing of the Agency's notice shall result in a waiver of such right, and further contained all of the other matters required by Code of Civil Procedure Section 1245.235;

NOW, THEREFORE, the Redevelopment Agency of the City of Long Beach, California, FINDS, DETERMINES, DECLARES AND RESOLVES as follows:

Section 1. The public interest and necessity requires the acquisition of the Subject Property, including the improvements thereon, for a public use, to wit, for redevelopment purposes in connection with and located in the Redevelopment Project, pursuant to the Redevelopment Plan and the California Community Redevelopment Law.

Sec. 2. The Agency is authorized to acquire the Subject Property, including the improvements thereon, pursuant to the California Community

Redevelopment Law, including but without limitation, Health and Safety Code Section 33391(b).

- Sec. 3. The Redevelopment Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 - Sec. 4. The Subject Property is necessary for the proposed project.
- Sec. 5. The offer required by Government Code Section 7267.2(a), together with the accompanying statement of, and summary of the basis for, the amount established as just compensation, was made to the owner or owners of record, which offer and accompanying statement/summary were in a form and contained all of the factual disclosures provided by Government Code Section 7267.2(a).
- Sec. 6. The Agency is hereby authorized and empowered to acquire by condemnation in its name to be used for said redevelopment purposes in accordance with the provisions of the Code of Civil Procedure, the California Community Redevelopment Law, and the Constitution of California relating to eminent domain, the fee title or interest in the Subject Property, including the improvements thereon.
- Sec. 7. The law firm of Hahn & Hahn LLP, as the Agency's special counsel, is hereby authorized to prepare and prosecute in the name of the Agency such proceeding or proceedings in the court having jurisdiction thereof as are necessary for such acquisition; and to prepare and file such pleadings, documents, and other instruments and to make such arguments and generally to take such action as may be necessary in the opinion of said attorneys to acquire for the Agency the Subject

Property, including the improvements thereon. Said attorneys are specifically authorized to take whatever steps and/or procedures are available to them under the eminent domain law of the State of California.

APPROVED AND ADOPTED by the Re	development Agency of the City of Long
Beach, California, on this day of	, 2006.
	Executive Director/Secretary
APPROVED:	
• •	
Chair	

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EXHIBIT A

